

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO.CR01-3C

Plaintiff,

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

v.

WILLIE JOE MAYES,

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 4, 2005. The United States was represented by Vincent Lombardi, Defendant was represented by Jay Stansell. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Felon in Possession of a Firearm on or about April 27, 2001. The Hon. John C. Coughenour of this court sentenced the defendant to 60 months of confinement, followed by 5 years of supervised release. The court also ordered special conditions for substance abuse, mental health and other conditions: Not possess a firearm or destructive device, submit to mandatory drug testing, submit to a search of his person, residence, property, storage unit, or vehicle in a reasonable manner and at a reasonable time.

The conditions of supervised release included requirements that defendant comply with the

1 standard 13 conditions.

2 ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

3 USPO Felix Cavillo in his report dated July 20, 2005 alleged that the Defendant violated the
4 conditions of supervised release in 3 respects:

- 5 (1) The Defendant did not contest that facts in the memorandum of supporting evidence
6 in violation of standard condition #1:

7
8 Supporting Evidence: On May 18, 2005, Mr. Mayes left a message stating he had “messed
9 up” and submitted a urine sample that would test positive for drug use. He also admitted to
10 recent contact with police resulting in an arrest for DUI. This officer returned his call and
11 directed him to immediately report to the probation office. On May 19, 2005, Mr. Mayes
12 reported as directed and we discussed his drug and alcohol use. He signed an admission form
13 indicating he used illicit drugs and consumed alcohol in excess.

14
15 A Washington State Patrol report notes on May 12, 2005, at approximately 0029 hours the
16 trooper observed a vehicle traveling southbound I-5. The vehicle was observed weaving back
17 and forth between the lines. The trooper initiated a stop and contacted the driver, identified
18 with a Washington State Identification card as Mr. Willie Mayes. The trooper detected an
19 obvious odor of intoxicants emanating from the vehicle. Mr. Mayes admitted to consuming
20 four beers. The trooper asked Mr. Mayes to perform a Standard Field Sobriety Test (FST).
21 However, due to Mr. Mayes’ unwillingness to comply and inability to maintain his balance,
22 the tests were concluded and he was placed under arrest. Mr. Mayes subsequently provided
23 breath samples which resulted in .093 and .091 BAC.

- 24
25 (2) Using cocaine and marijuana on or before May 19, 2005, in violation of standard
26 condition #7; and
27 (3) Using cocaine on or before June 8, and July 5, 2005, in violation of standard condition
28

#7.

At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At today's hearing the defendant admitted the violations nos. 2 and 3, waived any hearing as to whether it occurred. Regarding violation no. 1, the Court finds that this violation was committed. This matter is set for a disposition hearing before the Hon. John C. Coughenour.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged; and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 4th day of August, 2005.

s/ Monica J. Benton

MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. John C. Coughenour
	Assistant U.S. Attorney	:	Vincent Lombardi
	Defense Attorney	:	Jay Stansell
	U. S. Probation Officer	:	Felix Cavillo